

Remarks

Claims 1-11, 13-22, 25-27, 30-31, 38-42 and 54-55 are pending, of which claims 40-42 have been withdrawn from consideration by the Examiner.

Claims 1, 17, 21-22, 25-26 and 31 have been amended to be consistent with the generic concept of the elected subject matter, as identified by the Examiner at page 3 of the Office Action. Specifically, A is now defined as being a 5- or 6-membered carbocyclic ring, support being inherent in the “homocyclic ring” A group (see pg. 5, line 7) and by the numerous species in the application having a carbocyclic ring A group. The Y definition has been amended to specify that when the Y phenyl ring is optionally fused to a 4 to 6-membered ring, said other ring is a 4 to 6-membered carbocyclic ring, support being found in the original claim language of a fused 4 to 6-membered ring “optionally” containing a heteroatom, and also in the recitation of a naphthyl group (see pg. 21, line 14) as an example. Finally, the R³ definition has been amended to recite an aryl group, mono- or di-substituted with an optionally substituted morpholine (i.e. the Het has been defined to be morpholine). Support for this definition and for Het being a morpholine is found at pg. 15, line 11, pg. 22, line 14, and in the numerous examples in the application having this type of R³ group.

Claim 19 has been amended to delete a substituent group lacking antecedent basis in parent claim 18; and claims 19 and 20 have been amended to recite the substituents in the alternative “or” to correct an obvious informality.

There being no issues of new matter, entry of these amendments is respectfully requested.

At pages 2 to 4, the Examiner acknowledges Applicants’ election (Group I and compound A1013 as the elected species), maintains the restriction requirement of record, making said restriction requirement Final, and further identifies a generic concept of the elected subject matter which has been examined and withdraws from consideration the

remaining subject matter. The generic concept of the elected subject matter identified by the Examiner is as follows:

A is a 5- or 6-membered carbocyclic ring;

X and W are as defined;

R¹ is as defined;

Y is optionally mono- or di-substituted or fused phenyl ring with the exception that the phenyl ring is not fused with a heterocyclic ring;

R³ represents a morpholine ring;

R⁴, R⁵, R⁶ are as defined.

Applicants appreciate the Examiner's clear recitation of the suggested generic concept of the elected subject matter, and Applicants basically agree with the Examiner's generic concept with the following two exceptions:

(1) Y should also include the optionally substituted or fused "ethylene-phenyl" group as claimed since it is structurally closely related and would not require any additional undue examination burden; and

(2) R³ should be defined as aryl, mono- or di-substituted with an optionally substituted morpholine, rather than as morpholine per se, which is clear from the original claim language and the species in the application as filed.

Accordingly, the claims have been amended to be consistent with the Examiner's suggested generic concept but including the two exceptions noted above. In view of these amendments, the Examiner is respectfully requested to withdraw the restriction requirement.

At page 4, the Examiner objects to the claims for containing non-elected subject matter and indicates that claims drawn solely to the elected invention as identified by the Examiner would appear to be allowable. The Examiner also states that the method of use claims 40-42 would be allowable along with the elected invention and commensurate in

scope therewith. As mentioned, Applicants have amended the claims to be consistent with the Examiner's suggested generic concept but including the two exceptions noted above. In view of these amendments, the Examiner is respectfully requested to withdraw this objection.

In view of the above amendments and remarks, Applicants submit that this application is in now condition for allowance and such action at an early date is respectfully requested.

If any points remain at issue which can best be resolved by way of a telephonic interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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